



CHISELDON PARISH COUNCIL BRIBERY AND ANTI-CORRUPTION POLICY

1. POLICY PURPOSE

- I. The purpose of this policy is to ensure that the council only accepts gifts of property where there is no unspoken or spoken belief that the acceptance of the item will convey preferential future treatment for the giftee from the council.
- II. It will also serve as a guide for Councillors, staff and those working with the Parish Council in order that they can recognise any attempt to unduly influence the council.

2. POLICY STATEMENT

- I. The Council is committed to conducting business in an ethical and honest manner. We have a zero tolerance to corrupt activities.
- II. We are committed to acting fairly and honestly in all council business dealings and relationships.
- III. We will uphold the law in regards to the Bribery Act 2010.

3. WHAT THIS POLICY COVERS

- I. All Councillors, employees, consultants, contractors, trainees, casual workers, agency staff, volunteers, agents, sponsors, or other persons associated with us, including third parties.
- II. In the context of this policy, third parties are any organisations that the Parish Council meet and work with. It refers to actual and potential clients, customers, distributors, suppliers, business contacts, agents, advisors and government and public bodies.
- III. Any arrangement the Parish Council make with a third party should be subject to clear contractual terms, including provision that the third party comply with basic standards and procedures regarding corruption and anti-bribery.

4. DEFINITION OF BRIBERY

- I. The act of giving, offering, promising, asking, agreeing, receiving, accepting, or soliciting something of value, or of an advantage so to induce or influence an action or decision.
- II. Bribery is not limited to the act of offering the bribe. Is the individual or organisation on the receiving end of the bribe accept it, they are also breaking the law.
- III. Bribery is illegal. Employees must not engage in any form of bribery, whether it be directly, passively, or through a third party. If an employee is not sure if something

offered is a bribe they should seek advice from the Swindon Borough Council Monitoring Officer.

5. WHAT IS AND ISNT ACCEPTABLE

I. This section refers to 4 areas:

- Gifts and hospitality
- Facilitation Payments
- Political Contributions
- Charitable Contributions.

5.2 GIFTS AND HOSPITALITY

The Council will accept normal levels of appropriate gestures of hospitality and goodwill.

So long as the giving and receiving meets the following criteria:

- a) It is not made with the intention of influencing the party it has been given to. To obtain a business advantage or as an implicit or explicit exchange for favours or benefits.
- b) Is not made with the expectation that a return favour is expected.
- c) It is compliant with the law.
- d) It is given in the name of the Parish Council and not an individual
- e) It does not include cash or voucher equivalent. (see item 6.v for exceptions)
- f) It is appropriate for the circumstances. e.g. a small Christmas gift.
- g) It is of an appropriate type and value, taking into account the reason for the gift.
- h) It is given openly and freely.
- i) It is not given to a selected person with the intention of influencing them.
- j) It is not in excess of the councils register of interests document (Above £50.00)

5.3 FACILITATION PAYMENTS

The Parish Council will not accept any form of facilitation payment – that has been offered with the expectation that the payment will expediate any decision or action of the council.

5.4 POLITICAL CONTRIBUTIONS

Chiseldon Parish Council is an apolitical council and as such would not expect to receive such contributions.

However, should any such situation arise, any offer would be declined.

5.5 CHARITABLE DONATIONS

The Parish Council accepts and encourages donations made to charities – whether though services, time, knowledge, or direct financial contributions. It will disclose all charitable donations it makes.

6. DETERMINING THE ACCEPTABILITY OF A GIFT OR DONATION

- I. The Parish Council Clerk and RFO will be responsible in the first instance of reviewing any offers of gifts or donations, using this policy as guidance.
- II. If the offer clearly breaches the guidance of this policy, then the offer will be declined and the Parish Council Chairman, Vice Chairman and Finance Committee Chairman will be advised.
- III. If the reason for the offer of a gift or donation is unclear, then the Finance Committee will be responsible for determining by majority vote whether the gift or donation should be accepted.
- IV. In the case of time critical offers (relating to an event or occasion for example) then the Finance Chairman and Vice Chairman may make a delegated decision which will be ratified at the next Committee meeting.
- V. In regard to accepting cash or voucher equivalent, the council will accept these offers when the items offered are used to raise money for charity – raffle or tombola etc. The gifting of these items will be transparent, and no portion of the gift or donation will be retained for other purposes. If a Cllr receives cash, vouchers or goods for the purpose of a raffle or similar they will be placed in the temporary ownership of the Clerk. There is no upper limit to this donation if the purpose is for charity and not the Cllr's own benefit. No portion should be kept by the Cllr or used for any other purpose.
- VI. The Parish Council may by majority vote, approve the sending out of correspondence to local businesses inviting them to sponsor a parish event – Christmas celebration for example. All funds raised by this method will be separately accounted for on the accounting systems and only spent for this purpose. Excess funds will be offered back to the donor. The sponsoring of an event, conveys no future preferential treatment to donors and should not be interpreted as such.
- VII. The offer of token donations (under £100) for items such as raffle prizes with proceeds going to charity, sporting equipment, office supplies etc will be accepted and recorded appropriately on the council's Asset Register and accounts.
- VIII. If required, the council will accompany any acceptance of a gift, with an advisory note confirming that the acceptance of said gift does not infer any future preferential treatment to the donor.

7. RAISING CONCERNS & FALLING FOUL TO BRIBERY

- I. Staff with any concerns over whether an offer is an action of bribery or corruption should first talk to their line manager. If this does not resolve the situation then the Swindon Borough Council Monitoring Officer should be consulted, and the Council Chairman advised.
- II. If you suspect you have been a victim of bribery, you must notify the Swindon Borough Council Monitoring Officer as soon as possible. If you are asked to make a bribe or suspect a bribe has been offered or received within the council, you

must report the concern to the Swindon Borough Council Monitoring Officer as soon as possible.

- III. If you refuse to accept what you believe to be a bribe then the Parish Council will support anyone who in good faith raises a concern, even if the concern turns out to be mistaken.
- IV. The Council will ensure no one suffers adverse effects from refusing to accept a suspected bribe, refused to offer a suspected bribe or raised a concern over a possible bribe.

8. RECORD KEEPING

- I. The Parish Council keep a detailed record of all expenditure and income and this will include any genuine acceptance of funds or donations to other organisations.
- II. Councillors are required to update the Register of Interests form within 28 days of receiving any such donation and ensure Swindon Borough Council have an updated copy of the form for their records.

Section 139 of the Local Government Act 1972 - council may accept gifts of property for the purpose of discharging their functions or for the benefit of the inhabitants of the area.

139 Acceptance of gifts of property.

- (1) Subject to the provisions of this section a local authority may accept, hold and administer—
 - (a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose; or
 - (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.
- (2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.
- (3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.
- (4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of **[F¹the Education Act 1996]**.

It should be noted that if the gift accepted requires additional expenditure in order to make the gift functional, then this expenditure should be recorded under S137 by the RFO and included in the relevant S137 calculations for that Financial Year.

POLICY ENDS

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